IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 33112 of 2007(P)

PETITIONER:

UDAYAM VALIYA PALLY MUSLIM JUMA ATH,
ODAYAM, EDAVA,
VARKALA, REPRESENTED BY ITS SECRETARY,
BADRADEEN, AGED 52 YEARS,
S/O.ABDUL SALAM, MELEKUNNIL,
PUNNAKULAM, EDAVA, VARKALA.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.A.S.SABU
SRI.RAJAN VELLOTH

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF ENVIRONMENT, government SECRETARIAT,
THIRUVANANTHAPURAM.

2. EDAVA SPECIAL GRADE GRAMA PANCHAYAT,
EDAVA (P.O.),TRIVANDRUM DISTRICT,
PIN : 695 311, REPRESENTED BY ITS SECRETARY.

3. VAHABUDEEN, S/O.YOUSAF,
EHABUDEEN MANZIL, ODAYAM (P.O.),
VARKALA.

R1 BY ADV. SRI.K.J.MOHAMMED ANZAR, GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 33112 OF 2007

Dated this the 7th day of November, 2007

JUDGMENT

The grievance of the petitioner is that the Panchayat is not taking any action on Ext.P2 complaint in which they allege that the constructions which have been taken up by the 3rd respondent are illegal.

I do not propose to go into the merits of the matter. Since Ext.P2 has been submitted by the petitioner before the Secretary of the Panchayat-2nd respondent, he will take up Ext.P2, issue notice to the 3rd respondent also, hear the petitioner and the 3rd respondent and take a correct decision. Decision as directed above will be taken at the earliest and at any rate within one month of receiving copy of this judgment and copy of this Writ Petition. 3rd respondent is reminded that the construction which have been taken up by him will be at his risk and will be subject to the decision to be taken by the Panchayat on Ext.P2.

PIUS C. KURIAKOSE, JUDGE

btt